

R307-417

2. Title: Permits: Acid Rain Sources.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in R307-417. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. The Utah Air Quality Board is also proposing to add two new sections that will incorporate by reference 40 CFR Part 75 and Part 76, so that all rules that deal with the Acid Rain program are in one rule. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout R307 (see separate filings on R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-801, R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/14/2007, the hearing will be cancelled. After 12/14/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been cancelled. A request for a public hearing may be submitted by electronic mail to mcaryl@utah.gov or by calling 801-536-4136.

6. Summary of the rule change:

This amendment removes the specific version date for the Code of Federal Regulations (CFR) in R307-417. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR reference in R307-101-3 is being updated to the July 1, 2007 version. The following changes to 40 CFR Part 72 will be included as the result of the change in R307-101-3. MAY 13, 1999 (64 FR 25842): This action revised certain provisions in the regulations concerning the deduction of allowances for determining compliance. The revisions improved the operation of the Allowance Tracking System and the allowance market generally, while still preserving the Act's environmental goals. This action allowed excess emissions to be reduced at a unit by allowing deductions of up to a certain number of allowances for that unit from the allowance accounts of other units at the same source that had unused allowances. This revision included a formula for calculating the allowance deductions allowed from other units' accounts. This revision allowed the authorized account representative to specify, within 15 days of receiving notice from the Agency of a unit's failure to hold sufficient allowances, the serial numbers of the allowances to deduct and the compliance sub-accounts from which to deduct those allowances. MAY 26, 1999 (64 FR 28588): This revision involved the following matters: (1) revised definitions of gas-fired, oil-fired, and peaking unit to allow for changes in the unit fuel usage and/or operation; (2) revised the applicability provisions in part 72 by making a minor wording correction; (3) added new QA/QC requirements for quantifying stack gas moisture content; (4) clarified the certification and recertification process; (5) revised substitute data requirements for CO₂ heat input and moisture; (6) revised the petition provisions for alternatives to part 75 requirements; (7) clarified the span and range requirement; (8) clarified the general QA/QC requirement; (9) added calibration error test requirements; (10) added linearity test requirement; (11) added a new flow-to-load QA test for flow monitors; (12) added reductions in and/or clarifications to the RATA and bias test requirements; (13) clarified the procedures for CEM data validation; (14) clarified the SO₂ emission data protocol for gas-fired and oil-fired units; (15) revised the determination of CO₂ emissions under Appendix G; (15) revised the

recordkeeping and reporting to reflect the other proposed revisions; (17) revised the traceability protocol for calibration gases, and (18) revised NO_x mass emission recordkeeping and reporting provisions, and revised the NO_x mass monitoring requirement. MARCH 1, 2001 (66 FR 12978): This action removed the industrial utility units exemption from the existing rules. Industrial utility units are not affected utility units under title IV of the Act and therefore do not need an exemption from requirements of title IV. MAY 12, 2005 (70 FR 25334): This action promulgated requirements that are not relevant to Utah. APRIL 28, 2006 (71 FR 25378): This action promulgated requirements for Clean Air Interstate Rule (CAIR), which does not apply to western states. The Utah Air Quality Board is also proposing to add two sections to R307-417 that will incorporate by reference 40 CFR Part 75 and 40 CFR Part 76. Although Part 75 is referenced throughout R307, it was never actually incorporated by reference into R307. Part 75 establishes the monitoring, recordkeeping, and reporting requirements for the Acid Rain Program, and should have been incorporated by reference years ago. Therefore, the Board is proposing to adopt a change to R307-417 that incorporates 40 CFR 75 into R307. The Board is also proposing to move 40 CFR Part 76 from R307-215 to R307-417, so that all rules that deal with the Acid Rain program are in one rule (see separate filing on R307-215 in this issue). The EPA has made several changes to 40 CFR Part 76 since it was last incorporated by reference. The following is a summary of these changes: JANUARY 23, 1997 (62 FR 3464): This action corrected the effective date and other inadvertent typographical and administrative errors in the December 19, 1996 final rule. The effective date was revised to February 17, 1997, which was 60 days after the December 19, 1996 publication date, as required by Small Business Regulatory Enforcement Fairness Act. The several other corrections involved correcting the amendatory instructions in the December 19, 1996 rule. The amendatory instruction adding defined terms to the definitions section (76.2) and included terms for which no definition was actually provided or intended to be provided. The incorrectly listed terms were removed from the amendatory instructions. The remaining corrections involved typographical or similar errors in the rule language itself. OCTOBER 15, 1999 (64 FR 55838): This action defined any boiler subject to the limits starting in 2000, constructed as a cell burner boiler, and converted to the burner configuration of a wall-fired boiler as a cell burner boiler. A cell burner boiler must meet an annual average NO_x emission limit of 0.68 lb/mmBTU.

7. Aggregate anticipated cost or savings to:

- a. State budget:** No costs or savings are expected because the cost of DAQ's review are covered by fees paid by applicants.
- b. Local government:** No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable.
- c. To Small Businesses and Other Persons:** Small Businesses: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable. Other Persons: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable.

8. Compliance costs for affected persons:

No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable. (Richard W. Sprott, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104

11. Materials incorporated by reference? 40 CFR Part 72, 40 CFR Part 75 and 40 CFR Part 76

12. Public comment and hearing info: Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City.

13. May become effective on: February 7, 2008

14. Keywords: acid rain, air quality, permitting authority, operating permit